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GOVERNMENT OF INDIA

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 27th July, 1949.

No. S. O 25—The following Order made by the Governor-General is published for general information:—

THE STATES' MERGER (GOVERNORS' PROVINCES) ORDER, 1949.

WHEREAS full and exclusive authority, jurisdiction and powers for and in relation to the governance of the Indian States specified in the Schedules annexed hereto are exercisable by the Dominion Government;

AND WHEREAS it is expedient to provide by order made under section 290A of the Government of India Act, 1935, for the administration of the said States together with the adjoining Governors' Provinces;

AND WHEREAS the views of the Governments of the said Provinces have been ascertained both with respect to the proposal to make such an Order and with respect to the provisions to be inserted therein;

Now, THEREFORE, in the exercise of the powers conferred by the said section 290A, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the States' Merger (Governors' Provinces) Order, 1949

(2) It shall come into force on the first day of August, 1949.

2. In this Order unless there is anything repugnant in the subject or context,—

(a) "absorbing Province", in relation to a merged State, means the Province specified in the heading of the Schedule in which that State is specified.

- (b) "appointed day" means the date of the commencement of this Order;
- (c) "central purposes" means the purposes of Government relatable to any of the matters mentioned in the Federal Legislative List;
- (d) "law" includes any ordinance, order, bye-law, rule or regulation having the force of law;
- (e) "merged State" means any of the States specified in the Schedules, and in the case of Baroda, includes also the area known as Kutchigarh situated in Okhamandal;
- (f) "Schedule" means a Schedule to this Order.

3. As from the appointed day, the States specified in each of the Schedules shall be administered in all respects as if they formed part of the Province specified in the heading of that Schedule; and accordingly, any reference to an Acceding State in the Government of India Act, 1935, or in any Act or Ordinance made on or after the appointed day shall be construed as not including a reference to any of the merged States, and any reference in any such Act or Ordinance as aforesaid to a Province specified in a Schedule to this Order shall be construed as including the territories of all the States specified in that Schedule.

4. All the law in force in a merged State or in any part thereof immediately before the appointed day, including orders made under section 3 or section 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947), shall continue in force until repealed, modified or amended by a competent Legislature or other competent authority:

Provided that no orders shall be made under the said Act by any authority on or after the appointed day in relation to the governance of any of the merged States.

5. (1) All property, wherever situate, which, immediately before the appointed day, is vested in the Dominion Government for purposes of the governance of a merged State shall, as from that day, vest in the Government of the absorbing Province, unless the purposes for which the property is held immediately before that day are central purposes.

(2) A certificate of the Dominion Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any property is held immediately before the appointed day are central purposes.

6. Arrears of any taxes outstanding in a merged State immediately before the appointed day shall be deemed to be due to, and may be recovered by, the Dominion Government or the Government of the absorbing Province, according as the

proceeds of any such tax imposed after the appointed day would be due to, and recoverable by, the Dominion Government or the Government of the absorbing Province.

7. (1) All liabilities in respect of such loans, guarantees and other financial obligations of the Dominion Government as arise out of the governance of a merged State, including in particular the liability for the payment of any sums to the Ruler of the merged State on account of his privy purse or to other persons in the merged State on account of political pensions and the like, shall, as from the appointed day, be liabilities of the absorbing Province, unless the loan, guarantee or other financial obligation is relatable to central purposes.

(2) A certificate of the Dominion Government signed by a Secretary to that Government shall be conclusive as to whether any loan, guarantee or other financial obligation arising out of the governance of a merged State is relatable to central purposes.

8. Without prejudice to the special provisions contained in Article 7, any contract made or deemed to be made before the appointed day by, or on behalf of, the Dominion for purposes connected with the governance of a merged State shall, as from that day, have effect as if it had been made by, or on behalf of, the absorbing Province, unless it is wholly or in part for central purposes.

9. Any proceedings which, if this Order had not been made, might lawfully have been brought in a merged State by or against the Dominion shall, in the case of any liability arising before the appointed day or arising under any contract made before that day, be brought—

(a) by or against the Dominion, if the proceedings could have been brought by or against the Dominion had the liability arisen after the appointed day or, as the case may be, arisen under a contract made after the appointed day, and

(b) otherwise, by or against the absorbing Province.

10. If, immediately before the appointed day, any proceedings are pending in a merged State to which the Dominion is a party and if those proceedings would have been brought by or against the absorbing Province under Article 9 had they been brought after the appointed day, the absorbing Province shall be deemed to be substituted in those proceedings for the Dominion, and the proceedings shall continue accordingly.

11. (1) Notwithstanding anything contained in the Fifth Schedule to the Government of India Act, 1935—

(a) the total of seats in the Legislative Assemblies of the Provinces specified below shall be as follows:—

Madras	:	:	:	:	214
Bombay	:	:	:	:	233
Bihar	:	:	:	:	151
Central Provinces and Berar	:	:	:	:	128
East Punjab	:	:	:	:	82
Orissa	:	:	:	:	91

(b) the total of seats in the Legislative Council of Bombay shall be increased by 10 and shall be not less than 38 and not more than 40.

(2) Save as provided in this Article, none of the provisions contained in the Fifth or the Sixth Schedule to the Government of India Act, 1935, shall apply in relation to the additional seats created by paragraph (1) of this Article.

(3) The allocation of the additional seats among the merged States for purposes of the nomination hereinafter provided shall be as shown in the Schedules.

(4) As soon as may be practicable after the appointed day, the Governor-General shall, by order in writing, nominate duly qualified persons to fill the additional seats and represent the people of the State or group of States to which those seats are allocated.

(5) A person shall not be qualified to be nominated under this Article if he—

(a) is subject to any disqualification under section 69 of the Government of India Act, 1935; or

(b) in the case of a seat in the Legislative Assembly, is less than 25 years of age, and in the case of a seat in the Legislative Council, is less than 30 years of age; or

(c) has not for a period of at least 180 days in the previous financial year resided in a house in the State or group of States to which the seat is allocated.

(6) Every order made under paragraph (4) of this Article shall be communicated to the Governor of the Province concerned, who shall cause it to be notified in the official gazette of the Province and communicated to the Speaker of the Legislative Assembly or, as the case may be, the President of the Legislative Council and to each of the persons nominated by the order.

(7) If any of the additional seats created by paragraph (1) of this Article becomes vacant, it shall be filled by nomination of the Governor-General in accordance with paragraphs (4), (5) and (6) of this Article.

THE SCHEDULES

[See Articles 2(e) and 11(3)]

SCHEDULE I

States merged in the Province of Madras

<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
Pudukkottai	
Banganapalle	
Sandur	

SCHEDULE II

States merged in the Province of Bombay

<i>No. of seats in the Legislative Council</i>	<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
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4 Baroda 23

1	Rajpipla	6
	Baria	
	Chhota-Udepur	
	Bhaderwa	
	Sanjeli	
	Tharad	
	Wao	
	Ambaliara	
	Ghodasar	
	Ilol	
	Khatosan	
	Khadal	
	Mohanpur	
	Punadra	
	Ranasan	

1	Idar	6
	Vijayanagar	
	Danta	
	Palanpur	
	Radhanpur	
	Bansda	
	Dharampur	
	Jawhar	
	Surgana	

<i>No. of seats in the Legislative Council</i>	<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
1	Cambay Sachin	{ } 1
1	Sant Lunawada Jumbugodha Balasinor	{ } 2
1	Kolhapur	8
1	Sangli Jath	{ } 2 1
1	Kurundwad (Jr.) Kurundwad (Sr.) Miraj (Jr.) Miraj (Sr.) Aundh Phaltan	{ } 2 1
1	Bhor Janjira Akalkot Sawantwadi Jamkhandi Mudhol Ramdurg Savanur Wadi	{ } 1 1 1 2 2

SCHEDULE III

States merged in the Province of Bihar

<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
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Kharsawan Seraikella	{ } 1
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SCHEDULE IV

States merged in the Central Provinces & Berar

<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
Bastar	4
Kanker	1
Raigarh	2
Surgoon	3
Jashpur	1
Changbhukar	1
Korea	
Chhuikhadan	
Kawardha	
Khairagarh	
Nandgaon	
Makrai	
Sakti	
Saranggarh	
Udaipur	

SCHEDULE V

States merged in the Province of East Punjab

<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
Loharu	
Dujana	
Pataudi	

SCHEDULE VI

States merged in the Province of Orissa

<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
Mayurbhanj	6
Bamra	1
Dhenkanal	2
Kalahandi	4
Nayagarh	1
Patna	4
Bonai	
Gangpur	
Keonjhar	
Nilgiri	

	<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
Athgarh	.	.
Baramba	.	.
Daspalla	.	.
Hindol	.	.
Khandpara	.	.
Narsingpur	.	.
Ranpur	.	.
Tigiria	.	.
Pal-Lahara	.	.
Talcher	.	.
Athmallik	.	.
Baudh	.	.
Rairakhol	.	.
Sonepur	.	.
		3
		3

C. RAJAGOPALACHARI,
Governor-General.

K. V. K. SUNDARAM,
Secretary.